



February 17, 2006

ENGROSSED HOUSE BILL No. 1108

DIGEST OF HB 1108 (Updated February 15, 2006 12:51 pm - DI 106)

Citations Affected: IC 9-13; IC 9-21; IC 35-42; noncode.

Synopsis: Aggressive driving and criminal recklessness. Defines "aggressive driving". Makes aggressive driving a Class A misdemeanor if it is done knowingly or intentionally with the intent to harass or intimidate a person in another vehicle, and provides that the offense does not apply to law enforcement officers engaged in their official duties. Makes criminal recklessness: (1) a Class D felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving that results in serious bodily injury to another person; and (2) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving that results in the death of another person. Makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather. (Current law requires that the shooting be done from a vehicle.)

Effective: July 1, 2006.

Brown T, Lawson L, Mays, Kuzman
(SENATE SPONSOR — LONG)

January 5, 2006, read first time and referred to Committee on Courts and Criminal Code.
January 19, 2006, reported — Do Pass.
January 23, 2006, read second time, ordered engrossed. Engrossed.
February 1, 2006, read third time, passed. Yeas 90, nays 2.

SENATE ACTION

February 6, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 16, 2006, amended, reported favorably — Do Pass.

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EH 1108—LS 6256/DI 69+



February 17, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1108

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-1.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 1.7. "Aggressive driving", for purposes of**
4 **IC 9-21-8-55, has the meaning set forth in IC 9-21-8-55(b).**

5 SECTION 2. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2006]: **Sec. 55. (a) This section does not apply to a law**
8 **enforcement official engaged in the law enforcement official's**
9 **official duties.**

10 **(b) For purposes of this section, a person engages in aggressive**
11 **driving if, during one (1) episode of continuous driving of a vehicle,**
12 **the person does or commits at least three (3) of the following:**

13 **(1) Following a vehicle too closely in violation of IC 9-21-8-14.**

14 **(2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.**

15 **(3) Overtaking another vehicle on the right by driving off the**
16 **roadway in violation of IC 9-21-8-6.**

17 **(4) Unsafe stopping or slowing a vehicle in violation of**

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1 **IC 9-21-8-26.**

2 **(5) Unnecessary sounding of the horn in violation of**
 3 **IC 9-19-5-2.**

4 **(6) Failure to yield in violation of IC 9-21-8-29 through**
 5 **IC 9-21-8-34.**

6 **(7) Failure to obey a traffic control device in violation of**
 7 **IC 9-21-8-41.**

8 **(8) Driving at an unsafe speed in violation of IC 9-21-5.**

9 **(9) Repeatedly flashing the vehicle's headlights.**

10 **(c) A person who, with the intent to harass or intimidate a**
 11 **person in another vehicle, knowingly or intentionally engages in**
 12 **aggressive driving commits aggressive driving, a Class A**
 13 **misdemeanor.**

14 SECTION 3. IC 35-42-2-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this
 16 section, "hazing" means forcing or requiring another person:

17 (1) with or without the consent of the other person; and

18 (2) as a condition of association with a group or organization;
 19 to perform an act that creates a substantial risk of bodily injury.

20 (b) A person who recklessly, knowingly, or intentionally performs:

21 (1) an act that creates a substantial risk of bodily injury to another
 22 person; or

23 (2) hazing;

24 commits criminal recklessness. Except as provided in subsection (c),
 25 criminal recklessness is a Class B misdemeanor.

26 (c) The offense of criminal recklessness as defined in subsection (b)
 27 is:

28 (1) a Class A misdemeanor if the conduct includes the use of a
 29 vehicle;

30 (2) a Class D felony if:

31 (A) it is committed while armed with a deadly weapon; or

32 (B) **the person committed aggressive driving (as defined in**
 33 **IC 9-21-8-55) that results in serious bodily injury to**
 34 **another person; or**

35 (3) a Class C felony if:

36 (A) it is committed by shooting a firearm ~~from a vehicle~~ into
 37 an inhabited dwelling or other building or place where people
 38 are likely to gather; or

39 (B) **the person committed aggressive driving (as defined in**
 40 **IC 9-21-8-55) that results in the death of another person.**

41 (d) A person who recklessly, knowingly, or intentionally:

42 (1) inflicts serious bodily injury on another person; or

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(2) performs hazing that results in serious bodily injury to a person;

commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

(e) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

(1) makes a report of hazing in good faith;

(2) participates in good faith in a judicial proceeding resulting from a report of hazing;

(3) employs a reporting or participating person described in subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(f) A person described in subsection (e)(1) or (e)(2) is presumed to act in good faith.

(g) A person described in subsection (e)(1) or (e)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

(1) an offense under this section; or

(2) a delinquent act that would be an offense under this section if the offender was an adult.

SECTION 4. [EFFECTIVE JULY 1, 2006] IC 9-21-8-55, as added by this act, and IC 35-42-2-2, as amended by this act, apply only to offenses committed after June 30, 2006.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1108, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ULMER, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1108, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "IC 9-21-8-55(a)" and insert "**IC 9-21-8-55(b)**".

Page 1, line 7, after "(a)" insert "**This section does not apply to a law enforcement official engaged in the law enforcement official's official duties.**

(b)".

Page 2, line 8, delete "(b)" and insert "**(c)**".

Page 2, line 8, after "who" insert ", **with the intent to harass or intimidate a person in another vehicle,**".

Page 2, line 30, delete "and caused" and insert "**that results in**".

Page 2, line 37, delete "and caused" and insert "**that results in**".

and when so amended that said bill do pass.

(Reference is to HB 1108 as printed January 20, 2006.)

LONG, Chairperson

Committee Vote: Yeas 10, Nays 0.

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